

July 24, 2006

A GENERAL OVERVIEW OF LEAVE

Service Credit

Welcome to the Civil Division. The following generally discusses an employee's entitlement to leave. If you have had prior federal civilian service, other than service as a volunteer, or active duty military service, please complete the SF 144, Statement of Prior Federal Service, which is included in your orientation package. Creditable prior service can have an impact on your annual leave accrual rate.

How to Obtain Approval to Take Leave

To request leave from your supervisor, you should complete in advance an **SF 71, Request for Leave or Approved Absence**. You should obtain the form from the M: drive under the forms folder (M:\Forms) on your DOJ computer. If you must request unscheduled leave due to illness or an emergency situation, you should telephone your supervisor, at or before the beginning of your scheduled work hours, to request the appropriate category of leave and complete the SF 71 for record purposes as soon as you return to work. Approved SF 71's should be provided to your timekeeper. Any request for leave is subject to approval, and supervisors must balance the needs of the office with the needs of the employee and ensure that sufficient staff will be in the office to handle the workload.

ANNUAL LEAVE

Entitlement: New employees whose appointments are for 90 days or longer are entitled to earn annual leave. However, you will not accrue leave for your first pay period of employment unless you have worked the entire pay period. (Similarly, if you were to leave, you would have to complete the entire pay period in order to accrue leave for the final pay period.) Employees who are initially appointed for less than 90 days should contact their Personnel Management Specialist regarding annual leave accrual if your appointment is subsequently extended.

Annual Leave Earning Rate: **Full-time** employees earn annual leave as indicated below. Unless you are already in Category 8, your annual leave earning category will change at the beginning of the pay period on or following the date in which you obtain the length of service for the higher category, provided you remain continuously employed and do not have more than six months of leave without pay (LWOP) in any calendar year.

Category 4: Less than 3 years of service: 4 hours earned for each full bi-weekly pay period

Category 6: More than 3 but less than 15 years of service: 6 hours earned for each full

bi-weekly pay period (except that accrual for the last full bi-weekly pay period in the leave year is 10 hours)

Category 8: 15 or more years of service: 8 hours earned for each full bi-weekly pay period

Accrual Limit: For most employees, annual leave accumulation is limited to a maximum of 30 days (240 hours) that may be carried forward from one leave year to the next. **Annual leave earned in excess of 240 hours must be used during the leave year it is earned, or it will be forfeited, with a few exceptions, at the end of the leave year.**

SICK LEAVE

Permanent and temporary **full-time** employees earn 4 hours of sick leave for each full bi-weekly pay period. There is no limit on the amount of sick leave that may be accumulated.

Generally, sick leave is only to be used for your illness or incapacitation; for medical, dental, or optical appointments, or for incapacitation during pregnancy and childbirth (typically six weeks for normal delivery and eight weeks for a Caesarian birth). Sick leave may also be used to make arrangements for the adoption of a child.

Limited use of sick leave may be appropriate in the following "family friendly" situations: (1) to provide care for a family member who is ill or needs to be taken to a medical, dental, or optical appointment and (2) to make arrangements necessitated by the death of a family member or attend his or her funeral. The amount of sick leave that can be taken for these reasons is limited to 40 hours per leave year, unless you maintain a sick leave balance of at least 80 hours, and then the limit is 104 hours per leave year. The definition of "family member" includes:

(1) spouse and parents thereof, (2) children, including adopted, and spouses thereof, (3) parents, (4) brothers and sisters and spouses thereof, and (5) any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

As of June 20, 2000, employees may use up to 12 weeks of accrued sick leave to provide care to a family member with a serious health condition, which includes incapacity due to pregnancy (typically six weeks for a normal delivery or eight weeks for a Caesarian birth). However, any "family friendly" leave, described above, that has been used during the leave year will be subtracted from this 12-week period. Similarly, any sick leave used for a serious medical condition will be subtracted from an employee's general family leave entitlement. Again, you must maintain a sick leave balance of 80 hours at all times to use more than 40 hours of "family friendly" leave.

An agency may grant sick leave only when supported by administratively acceptable evidence.

USE OF LWOP UNDER THE FAMILY AND MEDICAL LEAVE ACT

The FMLA provides covered federal employees with entitlement to 12 workweeks of leave without pay during any 12-month period for the following purposes:

- * birth and related care of a son or daughter;
- * placement of a son or daughter with the employee for adoption or foster care;
- * the care of a spouse, son, daughter, or parent of the employee who has a serious health condition; or
- * a serious health condition of the employee that makes him or her unable to perform the essential functions of his or her position.

You are covered by the FMLA if you have completed at least 12 months of service in a permanent position. Temporary and intermittent employees are excluded from coverage. Leave for part-time employees is granted in proportion to the number of hours in the employee's regular work week.

Under certain conditions, FMLA leave may be taken intermittently, or you may work under a work schedule that is reduced by the number of hours of FMLA leave that is taken.

With the supervisor's approval, you may elect to substitute other paid leave, as appropriate, for LWOP. However, such a substitution may not be made retroactively.

MATERNITY LEAVE

Leave for maternity (or paternity) reasons can be a combination of as many as three kinds of leave: sick (for the first six weeks; or eight weeks for Caesarian delivery), annual, or leave without pay. All requests for maternity leave should be made as far in advance of the expected date of birth as possible.

PART-TIME EMPLOYEES

Part-time employees whose appointments are for more than 90 days and who have an established tour of duty earn annual and sick leave on a pro rata basis according to the number of hours in pay status during each pay period. Please note that part-time employees cannot "swap" a scheduled work day for a non-scheduled work day. If a part-time employee works on a

scheduled day off with the supervisor's approval, he or she will receive regular pay. However, leave or LWOP must be charged for a scheduled work day where work is not performed.

Generally, part-time students will have their tour of duty changed from part-time to full-time, at their request, only during the Christmas and summer vacation periods. If changes in the part-time work schedule are to be made during the school year, the student should notify the supervisor and the Personnel Management Specialist in advance of the change.

TIME OFF FOR RELIGIOUS OBSERVANCES

Employees whose religious beliefs require that they abstain from work for certain periods of time may elect to take annual leave, leave without pay, or compensatory time off. Generally, the compensatory time off is for the religious observance only and does not include travel time. Your supervisor may grant you time off from your regular work schedule for religious observances and permit you to work compensatory overtime to offset the lost work time. You may perform the compensatory overtime work to make up for the time off either before or after the date of the religious observance, on a schedule approved by your supervisor.

When the compensatory time is performed in advance, the time off for a religious observance must be taken within six (6) pay periods of the one in which it was earned. Time off not taken within this time frame will be forfeited.

Similarly, when compensatory work is performed after the religious observance, it must be repaid within six (6) pay periods following the one in which you were absent for the religious observance. Time off that is not repaid within this time frame will be charged to annual leave or to leave without pay, if the latter is requested by you.

If you are requesting time off for a religious observance, you must submit an SF-71 to your supervisor specifying the time period in which you will work the compensatory time to offset the time off. This request should be made as far in advance of the requested period of absence as possible.

LEAVE SHARING

The Department has a Leave Bank and a Voluntary Leave Transfer Program (VLTP). The Leave Bank has an annual membership open season (December-January) when donations of annual leave may be made in the event that you experience a medical or family emergency. Under the VLTP, there is a periodic listing of employees who have exhausted all available leave due to a medical or family emergency, and fellow employees may donate their annual leave to their co-workers. Instructions and application/donation forms may be obtained from the Personnel Management Branch.

If you have questions concerning leave, please call Nanci Gubin or Donna Cornett of the Personnel Management Branch on 307-0261.